

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 22 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?  
( No. 1 to 5 NO)

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LAXMANDAS CHETANDAS KRIPALANI

Versus

CHETANDAS HANSOMAL KRIPALANI

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Appearance:

MR SS PANESAR for Petitioner

MR NITIN N PANDYA for Respondent No. 1

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CORAM : MR.JUSTICE S.D.DAVE

Date of decision: 31/03/97

ORAL JUDGEMENT

The Appeal is yet at the stage of admission.

Learned counsel for the parties have been heard. The Appeal has been admitted and is taken for final hearing.

Upon hearing learned counsel for the Appellant Mr. Panesar and learned counsel Mr. Pandya for the Respondent, it appears that the present Appeal From Order

requires to be disposed of in the manner indicated hereinafter.

Admittedly, Space-B shown in the map prepared by the Court Commissioner is an open space. The appellant/defendant cannot make any construction in this open space of land. Therefore the orders of the Court below in respect of this aspect of the matter requires to be confirmed. They are hereby accordingly confirmed.

There is some debate regarding the use and occupation of the premises shown as "F" in the map, and learned counsel for the Appellant Mr. Panesar urges that the appellant/defendant son uses the above said premises for cooking the meals atleast twice a day. On the other hand there is the say coming from learned counsel Mr. Pandya for the Respondent that, the appellant/ defendant son is not in exclusive possession of the above said premises shown as "F" in the map but in fact the father uses this premises as the bed-room, after the cooking of the meals is over. In view of this, it is hereby ordered and directed that the appellant/defendant son shall be entitled to use the same for the said purpose, that is for the purpose of cooking meals twice a day only, thereafter the premises shall be open for the Respondent/plaintiff for his occupation as a bed-room.

The Appeal is allowed to the above said extent and the orders under challenge shall stand modified accordingly. No order as to cost.

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